

REMARKS

Applicants have cancelled the claim of priority to remove the issue noted on pages 1 and 2 of the May 25, 2006 office action.

Applicants have cancelled claims 15-26 and made claims 27-33 directly or indirectly dependent from claim 34.

Applicants have amended claim 34 to specify that the cathode paste includes a solvent, and also to specify that the percentage weight of manganese dioxide in the cathode paste is calculated based on the combined weight of the manganese dioxide, binder, carbon, and other additives (not the solvent). The solvent in the paste is discussed, for example, on page 4, lines 27-30 and page 5, lines 1-2. The language specifying how the percentage weight of manganese dioxide is calculated is on page 5, lines 21-24 of the application.

The 35 U.S.C. § 102(e) rejection based on Kaplan et al., U.S. Pat. 6,372,370 and Kaplan et al., U.S. Pat. 6,399,243 should be withdrawn because neither discloses a cathode paste including a solvent. Thus, neither discloses steps (a) or (b) in claim 34.

Claim 34 has also been amended to specify (1) that air entering the air access port can contact the cathode, and (2) that the air recovery battery includes only the one cathode. Support for the former can be found, for example, on page 10, lines 27-28, and support for the latter can be found, for example, in the embodiments illustrated in the Figures and discussed in the application. Applicants will explain the significance of these amendments further below.

Claim 34 was rejected under 35 U.S.C. § 103(a) over Urry, U.S. Pat. 6,383,674 ("Urry") in view of Kordesch et al., U.S. Pat. 3,945,874 ("Kordesch"). Applicants request that the rejection be withdrawn for the following reasons.

The first reason was discussed in the prior amendment. There would have been no motivation for a person of ordinary skill in the art to combine the teachings of Urry with those of Kordesch. Urry discloses an air-assisted electrochemical cell that is structured so as to minimize the passage of air to the zinc anode. (See, e.g., Urry, col. 2, lines 25-28 and 41-61.) Kordesch discloses the use of a polymeric binder to give the MnO₂ in an electrode better cohesion, and does not even mention air-assisted electrochemical cells. (See, e.g., Kordesch, col. 1, lines 62-64; col. 2, lines 61-66; and col. 7, line 66 - col. 8, line 1.) Thus, contrary to the Examiner's

claim, it would not have been obvious to one of skill in the art to combine the teachings of Urry with those of Kordesch. There would have been no motivation to combine Urry, which relates to an air-assisted cell, with Kordesch, which does not relate to cells containing air ports, as the chemistries and requirements for air-assisted cells (i.e., cells with air ports) are different from those for cells without air ports.

The second reason was not discussed in the prior amendment. Urry discloses a specific type of air-assisted battery that includes two cathodes. The first cathode includes manganese dioxide and contacts air entering the battery through air access openings. That cathode is prepared by coating a metal screen or grid with a mixture including manganese dioxide graphite (a carbon), and PTFE (a binder). (See Urry, col. 4, lines 44-48). Urry does not describe including a solvent in this mixture or (obviously) removing the solvent after coating.

Perhaps even more significantly, Urry's battery includes a second, larger cathode, also including manganese dioxide, that does not contact air that enters the battery through the air access openings. In fact, a key feature of Urry's battery is that the second cathode does not contact the air. Thus, although applicants disagree that Kordesch is properly combined with Urry, even if the teachings were combined, the result would be a battery including two cathodes.

Thus, Urry and Kordesch do not suggest the method of preparing an air recovery battery covered by claim 34. The claims dependent from claim 34 are patentable for at least the same reasons claim 34 is patentable.

Applicants respectfully suggest the claims are in condition for allowance and such action is requested.

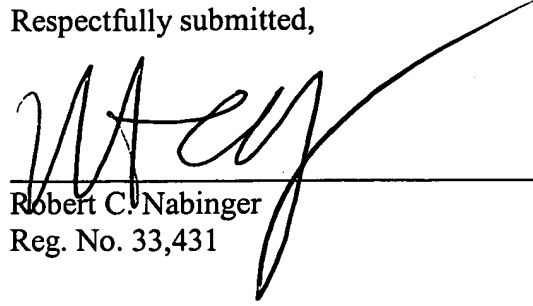
Applicants are enclosing two copies of the PTO Form 1449 filed on March 6, 2006 for consideration by the Examiner.

Please apply any other charges or credits to deposit account 06-1050.

Applicant : Alexander Kaplan et al.
Serial No. : 09/558,645
Filed : April 26, 2000
Page : 8 of 8

Attorney's Docket No.: 08935-170001 / M-4860

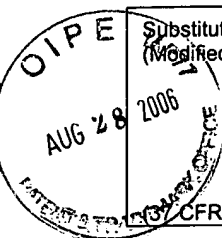
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Nabinger', is written over a horizontal line. The signature is stylized with a large, sweeping 'N' and a long, curved tail that extends upwards and to the right.

Robert C. Nabinger
Reg. No. 33,431

Date: August 23, 2006

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 Substitute Form PTO-1449
(Modified)

 U.S. Department of Commerce
Patent and Trademark Office

 Attorney's Docket No.
08935-170001

 Application No.
09/558,645

**Information Disclosure Statement
by Applicant**

(Use several sheets if necessary)

37 CFR §1.98(b))

 Applicant
Alexander Kaplan et al.

 Filing Date
April 26, 2000

 Group Art Unit
1725

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	6,521,378B2	02/18/2003	Durkot et al.			
	AB	6,399,243B1	06/04/2002	Kaplan et al.			
	AC	6,372,370B1	04/16/2002	Kaplan et al.			
	AD	6,296,969B1	10/02/2001	Yano et al.			
	AE	6,284,410B1	09/04/2001	Durkot et al.			
	AF	6,270,921B1	08/07/2001	Kaplan et al.			
	AG	4,590,227	05/20/1986	Nakamura et al.			
	AH	4,541,871	09/17/1985	Obayashi et al.			
	AI	4,507,438	03/26/1985	Obayashi et al.			
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

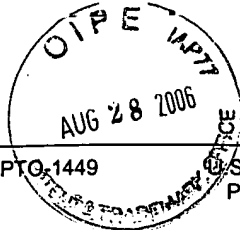
Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AQ	Durkot et al., USSN 09/115,867, filed July 15, 1998
	AR	Treger, USSN 09/280,367, filed March 29, 1999
	AS	
	AT	

Examiner Signature

Date Considered

EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Substitute Form PTO-1449 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 08935-170001	Application No. 09/558,645
	Applicant Alexander Kaplan et al.		
	Filing Date April 26, 2000	Group Art Unit 1725	

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